

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civ. No. 1:24-cv-000334

\$25,878.00 IN U.S. CURRENCY,

AND

2019 FORD MUSTANG GT, VIN: 1FA6P8CF2K5130653

Defendants-in-Rem.

VERIFIED COMPLAINT FOR FORFEITURE IN REM

Plaintiff, United States of America, brings this complaint in accordance with Supplemental Rule G(2) of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions, and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action to forfeit and condemn to the use and benefit of the United States of America property involved in violations of the Controlled Substances Act that is subject to forfeiture pursuant to 21 U.S.C. §§ 881(a)(6) and 881(a)(4).

DEFENDANT IN REM

2. The Defendants *in Rem* consists of the following:

- a. 25,878.00 in US Currency
- b. 2019 Ford Mustang GT VIN: 1FA6P8CF2K5130653

(hereafter collectively referred to as “Defendant Property”).

3. The Defendant Property was seized by the Drug Enforcement Administration (DEA) on May 26, 2021, and June 16, 2021, in the District of New Mexico.

4. The Defendant Property is now, and during the pendency of this action will be, in the jurisdiction of this Court.

JURISDICTION AND VENUE

5. The United States District Court for the District of New Mexico has subject matter jurisdiction under 28 U.S.C. §§ 1345, 1355(a) and 1356.

6. Venue for this civil forfeiture action is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395, as acts or omissions giving rise to the forfeiture took place in this district and the property is found in this district. Upon the filing of this complaint, the Defendant Property will be arrested by execution of a Warrant for Arrest *In Rem* in the District of New Mexico.

FACTS

7. On May 26, 2021, Drug Enforcement Administration (DEA) seized \$25,878.00 U.S. Currency from Anthony Louis Polichette at his residence 10017 Betts Street NE Albuquerque, New Mexico 87112. DEA agents and Task Force Officers (TFOs) arrived at the residence in anticipation of executing a search warrant for the residence. Agents observed Anthony Polichette exit his residence into a maroon Dodge Durango and followed it into a public parking lot. Agents and TFO's then observed Anthony Polichette hand a plastic baggie with a green leafy substance to the driver of a silver sedan. Agents and TFOs detained Anthony Polichette and the driver of a silver sedan. Agents and TFO's located one clear plastic sandwich bag with THC concentrate wax and 7 clear plastic sandwich bags of marijuana.

8. The same day- May 26,2021- agents and TFOs executed the federal search warrant on Anthony Polichette's residence.

9. In Anthony Polichette's bedroom, agents located \$150,223.00 U.S. Currency, a Gold Desert Eagle .44 mag handgun, S&W Bodyguard .380 handgun, Beretta 9mm handgun, Mossberg 12GA Shotgun, AK pattern rifle 7.62 mm, AR pattern rifle 5.56 mm, large quantities of weapons magazines, ammunition, and an iPad.

10. In the spare bedroom, agents discovered various ammunition, a Masterpiece Arms 9mm handgun, a currency counter, the Defendant \$25,878.000 in U.S. Currency, large quantities of steroids, a S&W 500 mag revolver, a rifle of unknown make and caliber, and an indoor grow house with small immature marijuana plants.

11. In the garage, agents found a box of THC edibles, a cardboard box containing vacuum sealed marijuana bags, a blue duffle bag containing bags of marijuana, multiple bags of marijuana, multiple boxes of THC edibles, multiple glass jars with marijuana, multiple glass jars with THC wax, an outdoor grow house containing live mature marijuana plants, a whiteboard with grow schedule, and multiple LED grow lights. Anthony Polichette was arrested following the execution of the search warrant.

12. In sum, Agents recovered approximately 17.45 gross grams of suspected marijuana, THC wax weighing 11.65 gross kilograms, THC edibles weighing 3.05 gross kilograms, THC vape cartridges weighing 4.25 gross kilograms, and 31 live mature marijuana plants.

13. On September 15, 2020, DEA agents TFOs observed Anthony Polichette conducting a hand-to-hand narcotics transaction out of the Defendant 2019 Ford Mustang GT in a public parking lot. Agents recovered 437.2 gross grams of THC concentrate from the transaction. On October 16, 2020, DEA agents observed Anthony conduct another hand-

to-hand narcotics transaction out of the 2019 Ford Mustang GT. Agents recovered 54.4 gross grams of THC concentrate wax from the transaction.

14. Anthony Louis Polichette was last employed in the first quarter of 2019 and had no other documented legitimate source of income. The 2019 Ford Mustang GT was used on multiple occasions to facilitate, transport and conduct sales of narcotics.

15. On June 16, 2021, DEA agents executed a federal seizure warrant for the 2019 Ford Mustang GT.

FIRST CLAIM FOR RELIEF

16. The United States incorporates by reference the allegations in paragraphs 1 through 15 as though fully set forth.

17. Title 21, United States Code, Section 881(a)(6) subjects to forfeiture “[a]ll moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter.”

18. Defendant Property was furnished, or intended to be furnished, in exchange for a controlled substance, or constitutes proceeds traceable to such an exchange, or was used or intended to be used to facilitate a violation of the Controlled Substances Act and is thus subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6).

SECOND CLAIM FOR RELIEF

19. The United States incorporates by reference the allegations in paragraphs 1 through 15 as though fully set forth.

20. Title 21, United States Code, Section 881 (a)(4) subjects to forfeiture “[a]ll conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property in violation of this subchapter.”

21. Defendant 2019 Ford Mustang GT was used or intended for use to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of illegal controlled substances and is thus subject to forfeiture to the United States pursuant to 21 U.S.C. Section 881 (a)(4).

WHEREFORE: Plaintiff seeks arrest of Defendant Property and forfeiture of same to Plaintiff, determination of the validity and priority of claims of the Claimants and any Unknown Claimants to the Defendant Property, costs, and expenses of seizure and of this proceeding, and other proper relief.

Respectfully submitted,

ALEXANDER M. M. UBALLEZ
United States Attorney

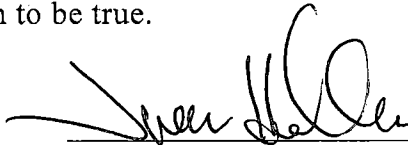
Electronically filed on April 8, 2024
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28 U.S.C. § 1746 DECLARATION

I am a Special Agent with the Drug Enforcement Administration who has read the contents of the Complaint for Forfeiture *In Rem* to which this Declaration is attached; and the statements contained in the complaint are true to the best of my knowledge and belief.

I declare under penalty of perjury and the laws of the United States of America that this Declaration is true and correct, except as to matters stated on information and belief, and as to those matters, I believe them to be true.

Dated: 4-05-2024



Ivar Hella, Special Agent
Drug Enforcement Administration